

September 16, 2010

Hon. Martha Coakley  
Attorney General of the  
Commonwealth of Massachusetts  
One Ashburton Place  
Boston, MA 02108-1518

Michael D. Felsen  
Regional Solicitor  
United States Department of Labor  
John F. Kennedy Federal Office Building  
Government Center, Room E-375  
Boston, MA 02203

Re: *Gallo, et al. v. Essex County Sheriff's Department*,  
C.A. No. 10-10260-DPW (United States District Court  
for the District of Massachusetts)

Dear General Coakley and Solicitor Felsen:

I write to invite you to submit amicus curiae briefs in the above-referenced Federal Fair Labor Standards Act action pending before me in which the application of Eleventh Amendment immunity for the defendant Essex County Sheriff's Department and the availability of a private right to injunctive relief are put into question by the Defendant's Motion to Dismiss (Docket No. 39) and the Plaintiff's Motion to Amend Complaint (Docket No. 37).

While the particular defendant before me is ably represented by a Special Assistant Attorney General for the Commonwealth, I seek to insure that the views of the Attorney General, as the Commonwealth's constitutional legal officer, are presented as comprehensively as necessary even if this briefing may prove more extensive than might be expected in conventional trial court motion practice. The Department of Labor is not a party in this matter, but disposition of these motions will necessarily implicate the scope of a statute administered by the Department

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and the availability of a private right of action for injunctive relief to enforce the statute if it is applicable.

I have set these motions down for hearing on December 1, 2010 in order to afford your offices sufficient time to file briefs, if you choose to do so. I welcome your views on these legal issues and any other matters that you may believe will be helpful in the disposition of the motions. In order to be of assistance to the Court, you should submit any such briefs no later than November 15, 2010.

Thank you for your attention to this matter.

Sincerely,

/s/ Douglas P. Woodlock

DPW/cc